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6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA
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9 HOMER E. HAWKINS,

No. C 08-1087 SI (pr)

10 Petitioner,

ORDER

11 v.

12 DEBORAH DEXTER, Warden,

13 Respondent.
14 _____/


15 On February 18, 2009, the court denied the petition for writ of habeas corpus and entered
16 judgment. Petitioner filed a notice of appeal, which the court construed to also be a request for
17 a certificate of appealability, and denied the certificate of appealability. Petitioner then filed a
18 document on March 20, 2009, that was captioned "notice of appeal/motion" and consisted of a
19 one-page notice of appeal, plus a 4-page application for leave to file second or successive
20 petition, plus a 10-page opening brief that was also captioned as a "motion for request of 'COA.'
21 (Docket # 25.) Much of the document appears to be a duplicate of the document that was
22 docketed as a motion for certificate of appealability in the Ninth Circuit. See docket # 2 in
23 Hawkins v. Dexter, Ninth Circuit No. 09-15499.

24 The "motion" filed as docket # 25 in this court is DENIED because there is no requested
25 relief this court can grant based on the filing. Petitioner already filed a notice of appeal and a
26 second notice of appeal accomplishes nothing. The district court is not the appropriate court
27 to which to send an application for leave to file a second or successive petition, as that must be
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1 sent to the Ninth Circuit. The district court is not the appropriate court to which to send an
2 opening brief on appeal, as that also must be sent to the Ninth Circuit. Petitioner should send
3 all future filings directly to the Ninth Circuit, where his case is now pending.

4 IT IS SO ORDERED.

5 DATED: November 10, 2009



SUSAN ILLSTON
United States District Judge